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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,709	02/27/2004	Guido Canzona	P314651	7580

55132 7590 03/15/2007
WILDMAN HARROLD ALLEN & DIXON LLP
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EXAMINER

KESSLER, CHRISTOPHER S

ART UNIT	PAPER NUMBER
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1742

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/15/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/789,709

Applicant(s)

CANZONA ET AL.

Examiner

Christopher Kessler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 33 and 34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. Responsive to the amendment of 1 March 2007, no amendments are made to the claims. Claims 1-32 are currently under examination.

Status of Prior Rejections

2. Responsive to the amendment of 1 March 2007, the prior rejection grounds are maintained as stated in the Office Action of 1 December 2006.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1, 5, 9, and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 5745834 issued to Bampton et al. (hereinafter "Bampton '834").

Regarding claims 1, 5, 9 and 32, Bampton '834 is applied to the claims for the same reasons stated in the previous Office Action of 1 December 2006.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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6. Claims 2-4, 6-8, 12-20, 22, and 24-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bampton '834 in view of US Patent 6,365,093 issued to Ryang et al. (hereinafter Ryang '093).

Regarding claims 2-4, 6-8, 12-20, 22, and 24-31, Bampton '834 in view of Ryang '093 is applied to the claims for the same reasons stated in the previous Office Action of 1 December 2006.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bampton '834 as applied to claim 1 above, and further in view of US Patent 5,932,055 issued to Newell et al. (hereinafter "Newell '055").

Regarding claim 10, Bampton '834 and Newell '055 are applied to the claims for the same reasons stated in the previous Office Action of 1 December 2006.

8. Claims 11, 21, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bampton '834 and Ryang '093 as applied to claim 4 above, and further in view of US Patent 5,932,055 issued to Newell et al. (hereinafter "Newell '055").

Regarding claims 11, 21 and 23, Bampton '834, Ryang '093 and Newell '055 are applied to the claims for the same reasons stated in the previous Office Action of 1 December 2006.

Response to Arguments

9. Applicant's arguments filed 1 March 2007 have been fully considered but they are not persuasive. The rejection of 1 December 2006 stands.

In the Remarks of 1 March 2007, Applicant states

Bampton does not teach or suggest an organic polymer component which is less than 3% by weight of the total weight of the powdered blend. Rather, Bampton discloses an organic polymer which is 5 to 15% by weight of the total weight of the powdered blend. (See Bampton, Col. 4, Lines 9-11 & Lines 57-60).

This statement is incorrect. Bampton does teach an organic polymer component comprising 5-15% of the total blend, *by volume*, as was cited in the Office Action of 1 December 2006, in section 3. The range of polymer in Bampton thus anticipates the range claimed by Applicant. Further, Bampton also teaches to minimize the volume of binder used to aid in sintering, as also cited in the Office Action of 1 December 2006, in section 3. The same grounds for rejection stated 1 December 2006 are maintained.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Kessler whose telephone number is (571) 272-6510. The examiner can normally be reached on Mon-Fri, 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

csk


ROY KING
PATENT EXAMINER
CENTER 1700